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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,210	06/26/2003	Yoshikazu Hanada	Q76020	4368

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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER
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ADDISU, SARA

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/606,210

Applicant(s)

HANADA, YOSHIKAZU

Examiner

Sara Addisu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4-19 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4-19 and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is in response to the amendment filed 6/22/06. Claims 21 and 22 have been cancelled. Currently, claims 1, 3, 4, 6-19 and 23-25 are pending in this application.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 3, 16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 3, 16 and 18 recite "... the thickness is appropriate for information to be written in ink". If it not clear what the Applicant considers to be "appropriate thickness".

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 6-9, 13, 15, 18, 19, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butterworth (U.S. Patent No. 6,718,853) in view of Stoffels et al. (U.S. Patent No. 4,292,867) and further in view of Kosem (U.S. Patent No. 3,656,377).

Regarding claims 1, 18 and 19, Butterworth teaches a cutting mandrel (52) having a ring-shaped groove/recess (158: formed by machining, casting, forming, molding and the like, Col. 6, lines 12-14) that corresponds to a cutting position of the cutting blade in the axial direction of the cutting mandrel (see figure 3). Mandrel (52) is positioned within the aperture (16) of log (12) such that its outer peripheral surface comes into contact with an inner surface of the log (12) (Col. 6, lines 33-34). (Note: Butterworth's log saw apparatus for coreless products, is fully capable of being used with products with a core thus the thickness would accommodate any information in ink). Butterworth also teaches a disc-shaped saw blade (40) positioned opposite to the outer periphery of the log (12) and having cutting edges at its circumference. Furthermore, Butterworth teaches log (12) being rotated by rotating device/motor (36) as well as a motor for rotating the cutting blade (40) (Col. 4, lines 64-67 and Col. 5, lines 19-21). Regarding claims 4 and 7, Butterworth teaches saw assembly (10) having a main stage and a standby stage (see diagram below) where the standby stage includes a carriage (with mandrel) mounted on a rail such that mandrel (52) is moved longitudinally toward or away (figures 6-9) from the main stage and is positioned coaxially with log (12) where it is supported by log trough (22) (Col. 5, lines 43-57).

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Regarding claims 8 and 9, Butterworth teaches clamp assembly (a driving chuck unit) (28) provided on the main stage opposite to the standby stage that holds an end of the log (12) while the mandrel (12) approaches the paper pipe from the standby stage.

Butterworth teaches rotation of log, cutting blade and cutting mandrel, therefore for the apparatus to be operational, the rotations have to be controlled to be within a certain range. Regarding claims 24 and 25, Butterworth teaches rolled products such as bathroom tissue, paper towel (well known to use cylindrical paper pipe as a core) and AAPA (page 2, 4<sup>th</sup> paragraph) states that recently, information regarding the recording material, which is wound around the paper pipe core, is often provided on an end surface of the paper pipe (a ring-shoed thick portion). This information is recorded as machine-readable information, such as a bar code, so to aid in automatic processing in an image processing apparatus using the roll paper.

However, Butterworth fails to teach the use of a controller such that the cutting blade and paper pipe/core rotate at the same speed.

Stoffels et al. teaches circular cutting blade (42) rotating at approximately the same circumferential speed as the outer surface of roll (R) (with the mandrel inserted inside) by a variable speed motor (46) (Col. 4, lines 41-44). Stoffels et al. teaches that conventional machines utilize either or both of the rotating blades to sever the tubular core (made of cardboard), thus dulling the blades quickly ('867, col. 1, line 65 through col. 2, line 2). Therefore it should be noted that cutting blade (42) is fully capable of

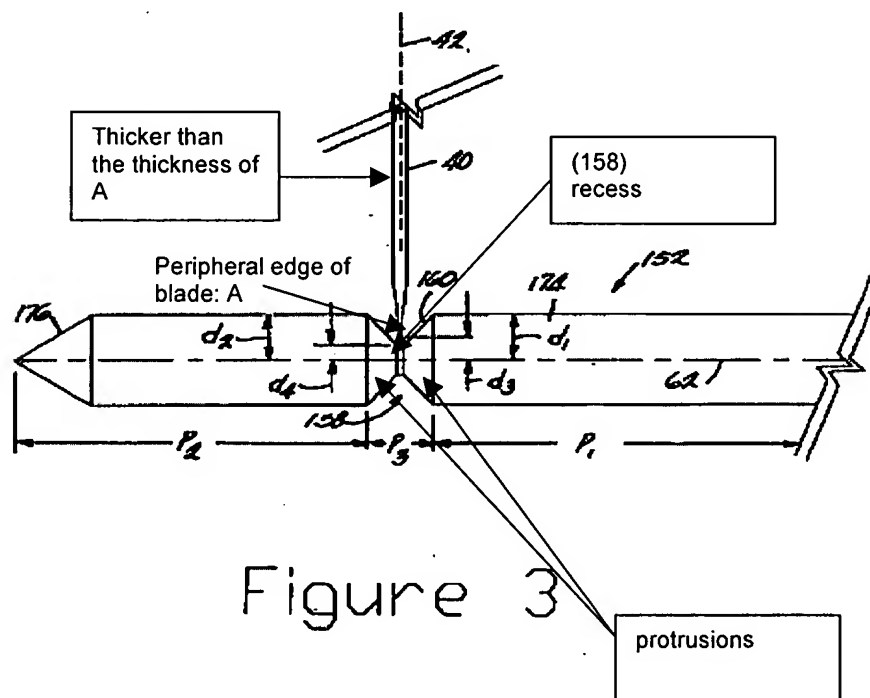
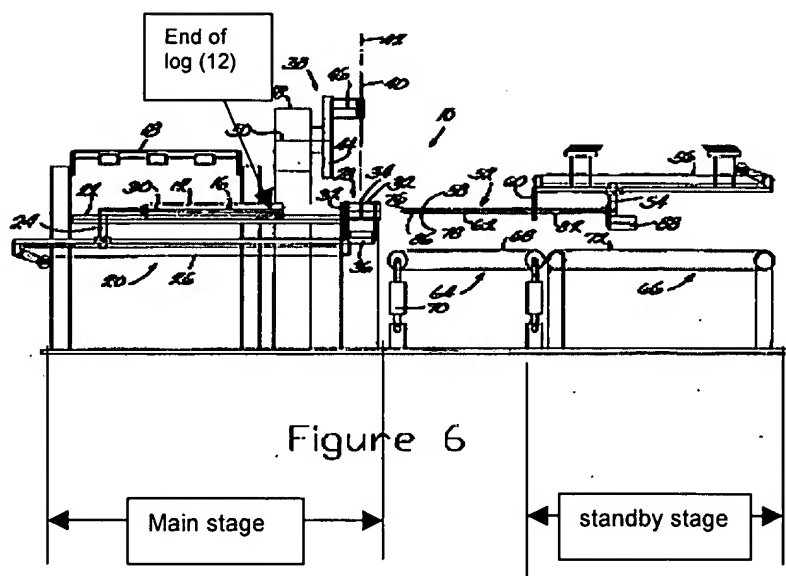
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being used to cut a core, the only disadvantage is that the blade will dull quickly.

Stoffels et al. also teaches the cutting mandrel and the pipe being coaxial (in agreement with Page 4, lines 17-20 of the Instant Application).

Kosem teaches a numerical control system with a closed control loop for controlling surface speed of a tool where a relative rotary motion is produced between the tool and workpiece by a spindle (Col. 1, lines 5-8 and Col. 6, lines 15-23). Kosem also teaches a timing generator (13) that provides timing signal to control the proper sequencing of operations throughout the numerical control system (Col. 2, lines 54-58) (i.e. speed of workpiece vs. speed of spindle).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Butterworth's invention such that log (12) rotates at a velocity that is equal to the rotational velocity of the cutting blade (40), as taught by Stoffels et al., for the purpose of lowering the heat generated by the cutting operation (' 867, Col. 6, lines 20-26). It would have been obvious to one of ordinary skill to control rotational speed as well as other movements of the tool using a numerical control system because it is old and well known (as evidenced by Kosem). One known advantage numerical control system is the ability to accurately position and control the cutting feeds and speeds for a machining pattern that can be repeated for each workpiece.



3. Claims 10-12, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butterworth (U.S. Patent No. 6,718,853) in view of Stoffels et al. (U.S. Patent No. 4,292,867) and further in view of Kosem (U.S. Patent No. 3,656,377) and Sartori (U.S. Patent No. 5,383,380).

The modified device of Butterworth teaches a log saw apparatus and method as set forth in the above rejection.

However, the modified device of Butterworth fails to teach a cutting unit supported and guided on rail section.

Sartori teaches a machine for cutting sections from a cylindrical workpiece (C) having a support mandrel (5) and cutting blade (25) that is rotatably carried on carriage assembly (27) (see figure 1). Carriage assembly (27) is supported on guide rail section (32) for linear movement parallel to the mandrel (5) ('380, Col. 6, lines 61-68).

Regarding claims 12, 14 and 17, Butterworth discloses the claimed invention except for the measurement of the width of the groove on the mandrel. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to vary the width of the groove to accommodate the various blades that could be used having different thickness (i.e. width of blade at the periphery edge), since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Applicant should further note that Specification gives no criticality or unexpected results to the claimed limitation (see Page 12, lines 4-8).



Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Butterworth's invention such that a cutting unit is supported and guided on rail section as taught by Sartori, since Butterworth teaches an alternative embodiment where the blade (saw) can be movable to align the different recesses of the mandrel with the blade ('853, Col. 3, lines 47-51).

4. Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butterworth (U.S. Patent No. 6,718,853) in view of Elliott (U.S. Patent No. 5,004,383).

Butterworth teaches a log saw apparatus and method as set forth in the above rejection. As for the phrase used by the applicant in Claim 3, "... a difference between linear rotation velocities of the core rotating device and the cutting blade rotating device is controlled within a certain range, it is merely intended use and the apparatus taught by Butterworth is capable of functioning such that the rotating components are synchronized and operate within a certain range.

However, Butterworth fails to teach deburring the inner periphery of the already cut pieces.

Elliot teaches a deburring device (10) having an inner edge cutting assembly (18) that contacts tube end (12) (see figure 1). Elliot also teaches cutting assembly (18) having conical (tapered) surface (26) (Col. 2, lines 46-52) that rotates to smooth the inner periphery of the pipe. Furthermore, Elliott teaches the deburring device rotating in two opposite directions (First and Second directions) (Col. 3, lines 1-6). (i.e. There are a few combinations or rotations that could take place, both deburring devices could rotate in the same direction clockwise or anticlockwise or rotate in opposite directions.)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize a tapered cutting assembly (18) on the end of the pipes cut by of Butterworth's invention as taught by Elliott for the purpose of removing the burrs (i.e. make smooth) from the inner periphery of the pipes ('383, Col. 1, lines 6-8). Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the tapered cutting assembly (18) of Elliott's invention simultaneously on both ends of the pipes cut by Butterworth's invention for the purpose of having a time saving, efficient process. Additionally, given the fact that Elliott's invention can rotate in to different directions (First and Second , as set forth in the above rejection), it would have been obvious to one of ordinary skill in the art at the time of the invention was made to rotate the two deburring devices in opposite direction since Elliot teaches the deburring device having the capability to move in two opposite (first and second) directions ('383, Col. 3, lines 1-5).

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Butterworth (U.S. Patent No. 6,718,853) in view of Scott (U.S. Patent No. 1,967,374).

Butterworth teaches a log saw apparatus and method as set forth in the above rejection. Furthermore, Butterworth teaches mandrel (152) including a shaft (174) that is divided into first and second sections (P1 and P2) and a recess (158) formed in the third section (P3) ('853, figure 3 and Col. 8, lines 23-36). Sections P1 and P2 have protrusion at its end that join to form the recess (158) (see figure above).

However, Butterworth fails to teach the mandrel having plurality of mandrel pieces inserted around a main pipe.

Scott teaches tube feeder and cutter having a mandrel (8) having a main shaft/pipe and plurality of tubular sections (12) slipped onto the shaft ('374, figure 5 and Page 2, lines 25-33). Scott also teaches the length of the tubular sections (12) may vary corresponding to the length of tube section which is desired to cut.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Butterworth's invention such that its first and second sections (P1 and P2) consist of plurality of tubular sections slipped onto the shaft, as taught by Scott for the purpose of having an apparatus that has the versatility to accommodate different length cuts by having quick changing tubular sections that are suited for the particular machining/cut ('374, Page 2, lines 31-33). The modified device

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of Butterworth would have the protrusions at the end of the tubular sections such that they form a recess upon abutting each other.

***Response to Arguments***

6. Applicant's arguments filed 6/22/06 have been fully considered but they are not persuasive.

In response to Applicant's argument (page 11) that "Stoffels et al. does not actually teach that the cutting blade 42 cuts a core, the device would have to be modified to have the cutting blade cut the core. However, Stoffels specifically teaches against such a modification. Specifically, Stoffels teaches that a separate blade should be used to avoid dulling the blade 42 used to cut the roll", Examiner agrees that the blades would be dulled when used to cut the roll, in spite of that fact, then blade (42) is fully capable of being used to cut a core the only disadvantage is that the blade will dull quickly thus the blade would have to be replaced/sharpened more often). Also, as stated in the previous office action (filed 11/16/05 and 4/7/06), Stoffels teaches the use of a separate core blade (68) to accommodate a significantly more abrasive core than the roll. If the core is not too abrasive compared to the roll, blade (42) could be used to cut the core as well as the roll.

In response to Applicant's argument (page 12) that "Stoffels does not discuss any advantage to having similar rotational speeds for a core and a blade which cuts the core", Examiner respectfully points out that Stoffels teaches rotating the roll and blade (which as mentioned above is capable of cutting a core) lowers the heat generated by the cutting operation (' 867, Col. 6, lines 20-26). The concept of reducing the heat generated "at the point of contact" is applicable either for a blade and roll or blade and core.

In response to Applicant's argument (page 12) that "Examiner's rationale for modifying Butterworth with Stoffels to reach the claimed invention is improper. Kosem also fails to correct the deficiencies of Butterworth. Specifically, the mere teaching in Kosem that speeds can be controlled is not equivalent to teaching a controller which actually controls rotational speeds in a particular manner", Examiner respectfully asserts that it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Therefore, controlling rotational speed as well as other movements of the tool in any combination using a numerical control system (and its programmable capabilities) is old and well known. It is also old and known that one known advantage of numerical control system is the ability to accurately position and

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control the cutting feeds and speeds for a machining pattern that can be repeated for each workpiece.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sara Addisu  
(571) 272-6082

SA  
9/4/06

  
MONICA CARTER  
SUPERVISORY PATENT EXAMINER